

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 21-cr-134 (DWF/TNL)

Plaintiff,

v.

ORDER

Joshua Cameron Hanes,

Defendant.

This matter is before the Court on Defendant Joshua Cameron Hanes’s Motion for Evidentiary Hearing, ECF No. 32. Defendant requests an evidentiary hearing on his Motion to Suppress the Fruits of Unlawful Stop, Search and Seizure, ECF No. 31. Defendant states that he anticipates calling two members of law enforcement to “testify regarding the facts and circumstances surrounding . . . [the] stop, search, and seizure of Defendant’s person on December 4, 2020.” ECF No. 32 at 1. In an accompanying meet-and-confer statement, *see* D. Minn. LR 12.1(b), Defendant states that he

understands the Government opposes [his] motion to suppress evidence and will not agree to produce any requested witnesses without subpoena, and should Defendant subpoena witnesses the Government shall file objections and move to quash any subpoena. Hence, Defendant shall file and serve a motion requesting an evidentiary hearing concerning [his] motion to suppress evidence.

ECF No. 35 at 1.

Responses to pretrial motions were due by July 16, 2021. ECF No. 17 at 2; *see* ECF No. 45 at 5 (“All other deadlines in the Court’s Arraignment Notice and Scheduling

Order, ECF No. 17, remain in full force and effect.”). Although the Government filed an Omnibus Response to Defendant’s Pre-Trial Motions on July 15, 2021, its response does not address Defendant’s Motion for an Evidentiary Hearing. *See generally* ECF No. 47.

In connection with its response to Defendant’s Motion to Suppress the Fruits of Unlawful Stop, Search and Seizure, however, the Government states:

[I]n recent communications between the parties initiated by the [G]overnment to obtain specifics regarding the motions, the Defendant’s counsel clarified the issues as follows: 1) Defendant challenges the stop and frisk of him on December, 2020 and all evidence obtained from his person during the frisk; and, 2) given the illegality of the stop and frisk, the Defendant alleges that the subsequent search of the vehicle was without probable cause and all items seized from the vehicle should be suppressed.

ECF No. 47 at 1-2. The Government further states that it “will present evidence related to the stop and frisk” and that it “will be prepared to offer testimony, video and photographs related to the search of the vehicle.” ECF No. 47 at 2. Accordingly, by all accounts, the Government is likewise prepared to proceed to an evidentiary hearing.

Based on the foregoing, and there being no opposition thereto, **IT IS HEREBY ORDERED** that:

1. Defendant’s Motion for Evidentiary Hearing, ECF No. 32, is **GRANTED**.
2. Th evidentiary hearing shall take place in conjunction with the in-person arraignment and criminal motions hearing scheduled to take place before the undersigned on **August 2, 2021, at 1:00 p.m., in Courtroom 3C of the Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, ST. PAUL, Minnesota.**
3. The Court expects the parties to work together to secure the appearance of any necessary witnesses for the August 2 hearing so as to develop a robust evidentiary record on any and all reasonably anticipated issues.

4. All prior consistent orders remain in full force and effect.

Date: July 20, 2021

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

United States v. Hanes
No. 21-cr-134 (DWF/TNL)